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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/905,423 | 07/13/2001 | Patrick H. Hayes | 81230.62US2 | 4720 |
| 34018 | 7590 | 07/25/2005 | EXAMINER | |
| GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732 | | | SHAPIRO, LEONID | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2677 | |

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,423

Applicant(s)

HAYES ET AL.

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 and 13-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 13-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 7-8,10,13-14, 16-17, 23, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (US Patent No. 6,104,334) in view of Takechi et al. (JP 09-280557) and Kelly et al. (US Patent No. 5,907,322).

As to claim 7, Allport teaches a method of displaying information to a consumer relevant to the operation of consumer appliance (See Col. 6, Lines 23-34), comprising:

entering into a hand-held device data that functions to identify the consumer appliance (See Figs. 14-15, items 10, 65, 420, from Col. 21, Line 59 to Col. 22, Lines 1027),

using the data at the Web server to retrieve an electronic document (IR command library) for the purpose of operating the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, Col. 22, Lines 25-65 and Col. 8, Lines 60-63),

transmitting the electronic document from Web server to a hand-held device whereby a representation of the electronic document is displayable on the hand-held device (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating (maintaining and repairing) the consumer appliance (See Drawing 1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 2, paragraph 0007-0008).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine human-readable information into Allport system in view of teaching of Takechi et al. in order enable a repairman to execute repair even when a manual is not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server, using the data that functions to identify the consumer appliance.

Kelly et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server, using the data that functions to identify the consumer appliance (See Fig. 1, items 62, 21, 204, Col. 7, Lines 11-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in view of teaching of Kelly et al. in order to allow the viewer to easily access URLs (See Col. 1, Lines 25-31 in the Kelly et al. reference).

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As to claim 13, Allport teaches in hand-held device having a display (See Figs. 14-15, item 10), a readable media having instructions for displaying information relevant to the operation of consumer appliance (See Figs. 14-15 items 405, 420), the instructions performing steps comprising:

storing data that functions to identify the consumer appliance (See Fig. 15, items 10, 65, 420, Col. 22, Lines 10-33);

receiving the electronic document from a Web server (See Fig. 15, items 10, 65, 420, Col. 22, Lines 10-33);

causing the data to a Web server which uses the data to retrieve an electronic document (IR command library) for instructing a consumer how to interact with the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, Col. 22, Lines 25-65 and Col. 8, Lines 60-63),

displaying a representation of the electronic document in the display (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, in Description See Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating (maintaining and repairing) the consumer appliance (See Drawing

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1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 4, paragraph 0036).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine human-readable information into Allport system in view of teaching of Takechi et al. in order enable a repairman to execute repair even when a manual is not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server, using the data that functions to identify the consumer appliance.

Kelly et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server, using the data that functions to identify the consumer appliance (See Fig. 1, items 62, 21, 204, Col. 7, Lines 11-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in view of teaching of Kelly et al. in order to allow the viewer to easily access URLs (See Col. 1, Lines 25-31 in the Kelly et al. reference).

As to claim 17, Allport teaches a system, comprising:

a hand-held device having a display and memory in which is stored data that function identify a make of a consumer appliance (See Fig. 15, items 10, 65, Col. 22, Lines 10-33),

Web site on which an electronic document (IR command library) for instructing a consumer how to interact with the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, Col. 22, Lines 25-65 and Col. 8, Lines 60-63),

wherein the hand-held device is adapted to communicate the data to the Web site to retrieve the electronic document whereby a representation of the electronic document may be displayed in the display (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating (maintaining and repairing) the consumer appliance (See Drawing 1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 4, paragraph 0036).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine human-readable information into Allport system in view of teaching of Takechi et al. in order enable a repairman to execute repair even when a manual is not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server, using the

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data that functions to identify the consumer appliance and download the electronic document to the hand-held device.

Kelly et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server, using the data that functions to identify the consumer appliance (See Fig. 1, items 62, 21, 204, Col. 7, Lines 11-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in view of teaching of Kelly et al. in order to allow the viewer to easily access URLs (See Col. 1, Lines 25-31 in the Kelly et al. reference).

As to claim 23, Allport teaches a hand-held device, comprising:

a display and memory in which is stored data that function identify a make of a consumer appliance (See Fig. 15, items 10, 65, in description See Col. 22, Lines 10-33),

a browser application comprising instructions for retrieving via a network connection an electronic document (IR command library) in a form for instructing a consumer how to interact with the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, in description See Col. 22, Lines 25-65 and Col. 8, Lines 60-63) that is identified by the data in the memory and for displaying a representation of the retrieved document in the display (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, in Description See Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating (maintaining and repairing) the consumer appliance (See Drawing 1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 4, paragraph 0036).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine human-readable information into Allport system in view of teaching of Takechi et al. in order enable a repairman to execute repair even when a manual is not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server, using the data that functions to identify the consumer appliance and to retrieve the electronic document.

Kelly et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server, using the data that functions to identify the consumer appliance (See Fig. 1, items 62, 21, 204, Col. 7, Lines 11-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in

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view of teaching of Kelly et al. in order to allow the viewer to easily access URLs (See Col. 1, Lines 25-31 in the Kelly et al. reference).

As to claims 8, 14, Allport teaches a browser application for retrieving and displaying the representation of the electronic document (See Col. 24, Lines 51-65).

As to claims 10, 16, 27, Allport teaches a remote control having a memory in which are stored a library of command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the data that function to identify of the consumer appliance is used to select command codes from the library of command codes that are appropriate to command the operation of the consumer appliance (See Fig. 15, items 10, 65, 420, in description See Col. 22, Lines 25-65 and Col. 8, Lines 60-63).

As to claim 25, Allport teaches the network comprises the Internet (See Col. 5, Lines 54-59).

2. Claims 9, 15, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al., Allport and Takechi et al. as aforementioned in claims 7, 13, 23 in view of Ketcham (US Patent No. 6,195,589 B1).

Kelly et al., Allport and Takechi et al. do not show a bar code reader as part of the hand-held device for use in entering the data that function to identify the consumer appliance.

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Ketcham teaches a bar code reader as part of the hand-held device for use in entering the information representative of the consumer appliance (See Fig. 3, item 54, in description See Col. From Col. 3. Line 60 to Col. 5, Line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a bar code reader in Kelly et al., Allport and Takechi et al. method in view of teaching of Ketcham because appliances could be remotely controlled.

3. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al., Allport and Takechi et al. as aforementioned in claim 17 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

Kelly et al., Allport and Takechi et al. do not show the appliance, as a kitchen appliance and the human-readable information comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the human-readable information comprise a recipe Kolawa et al. in Kelly et al., Allport and Takechi et al. apparatus in view of Kolawa et al. teaching because appliances could be remotely controlled.

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4. Claims 19-22, 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al., Allport and Takechi et al. as aforementioned in claims 17 and 23 in view of Amro et al.

Kelly et al., Allport and Takechi et al. do not show the human-readable information comprises multiple linked pages and browser which adapted user manual.

Amro et al. teach hand-held device (a remote control) comprises PDA (See Fig. 5, item 110, in description See Col. 5, Lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time of the invention that PDA will be able to use the human-readable information with multiple linked pages and browser which adapted user manual in the Kelly et al., Allport and Takechi et al. apparatus and method in view of teaching of Amro et al. because appliances could be remotely controlled.

Response to Amendment

5. Applicant's arguments filed on 05.05.05 with respect to claims 7-10, 13-27 have been fully considered and are persuasive but are moot in view of the new ground(s) of rejection.

Telephone inquire

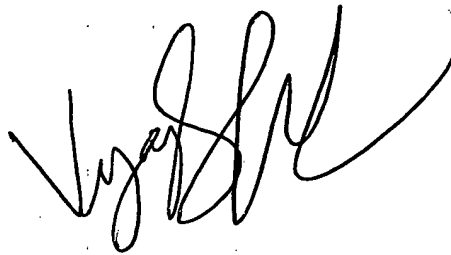
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
07.15.05



VIJAY SHANKAR
PRIMARY EXAMINER